

**IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
CINCINNATI DIVISION**

In Re:

JAMES M. LISTER
AMY F. LISTER

Debtors

CASE NO. 17-12377

Chapter 13

Judge Beth A. Buchanan

OBJECTION TO CHAPTER 13 PLAN

Creditor, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (“Creditor”), by and through counsel, hereby objects to the proposed Chapter 13 Plan filed by the Debtor. This Objection is hereby supported by the following Memorandum.

Respectfully Submitted

/s/ Steven H. Patterson

Steven H. Patterson (0073452)
Attorney for Creditor
Reisenfeld & Associates, LPA LLC
3962 Red Bank Road
Cincinnati, OH 45227
voice: (513) 322-7000
facsimile: (513) 322-7099
e-mail: ohbk@rslegal.com

MEMORANDUM

Creditor holds a Mortgage on the real estate located at 10038 State Route 775, Scottown, OH 45678. Creditor has not yet filed a Proof of Claim, however anticipates doing so listing an arrearage of \$54,141.16. Debtors' Plan is attempting to cram down the mortgage, which the Debtors are not entitled to do. The subject property is Debtors' primary residence and Debtors cannot change the amount owed, interest rate, or other terms of a first mortgage. (11 U.S.C. 1322(b)(2))

The Chapter 13 Plan as proposed herein does not adequately protect the Creditors' interest in said real estate.

WHEREFORE, Creditor requests that confirmation be denied.

/s/ Steven H. Patterson

Steven H. Patterson (0073452)
Attorney for Creditor
Reisenfeld & Associates, LPA LLC
3962 Red Bank Road
Cincinnati, OH 45227
voice: (513) 322-7000
facsimile: (513) 322-7099
e-mail: ohbk@rslegal.com

CERTIFICATE OF SERVICE

I certify that on September 11, 2017, a true and correct copy of the Objection to Plan was served:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Nicholas A. Zingarelli, Debtor's Counsel
nick@zingarellilaw.com

Margaret A. Burks, Bankruptcy Trustee
Cincinnati@cinn13.org

U.S. Trustee
(Registered Address)@usdoj.gov

And by regular U.S. Mail, postage prepaid on:

James M. Lister, Debtor
10038 St. Rt. 775
Scottdown, OH 45678

Amy F. Lister, Debtor
10038 St. Rt. 775
Scottdown, OH 45678

/s/ Steven H. Patterson

Steven H. Patterson (0073452)
Attorney for Creditor